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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,088	02/21/2002	Verica Maras	0212.65818	8585

24978 7590 08/12/2003

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

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DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,088

Applicant(s)

MARAS, VERICA

Examiner

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bamberguer'017. Bamberguer discloses the invention including a housing "11" with a central throughbore "16" for rotatably receiving a portion of a flexible shaft "18", an attachment formation "12", an endcap "14" with a flared outer end (see Fig. 1), and a collet nut "66" that extends past an outer end of the end cap (see Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bamberguer'017 in view of Welch'578. Bamberger discloses the invention including a handpiece "10", a flexible power transmission shaft (see col. 4, lines 5-8), a locking formation "45" (see col. 3, lines 47-48), a housing "11", a working attachment "17" (col. 4 lines 68-72), a central throughbore (see Fig. 1), a locking actuator "48"

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radially biased with respect to “52” relative to the locking formation, a chamber “43”, an attachment formation “12”, an end cap “14” with a flared outer end at the rear end (see Fig. 1), and an end portion of the shaft extends past an outer end of the end cap (see Fig. 1). Bamberguer does not disclose a spring that provides a biasing force for biasing the actuator out of engagement with the locking formation. However, Welch teaches a spring “242” for the purpose of providing a biasing force for biasing the actuator “238” out of engagement with the locking formation “234”. In view of Welch, it would have been obvious to one having ordinary skill in the art to have provided Bamberguer’s invention with a spring in order to provide a biasing force for biasing the actuator out of engagement with the locking formation to thereby preventing operation of the tool while in the locking position.

Regarding claim 5, Bamberger does not specifically state that the actuator engages the housing approximately midway between the first and second ends. However, it would have been obvious to one having ordinary skill in the art to have modified Bamberger’s invention to position an actuator midway between the first and second ends of the housing for the purpose of providing a user with a convenient, or desired, actuator position during the tool operation. Furthermore, it would have been obvious to one having ordinary skill in the art to have provided Bamberger’s invention including an actuator engaging the housing approximately midway between the first and second ends of the housing instead of locating the actuator on the rear end of the housing as a matter of design choice, and as both configuration can perform the same function of providing a locking actuator for releasable engagement with the locking formation.

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Regarding claim 7, Bamberguer does not specifically state that the gripping formation is at least one rib fence. However, Examiner takes Official Notice of the well-known act of using a rib fence as a gripping formation for the purpose of facilitating the location of the actuator to the operator. It would have been obvious to one having ordinary skill in the art to have provided Bamberger's invention including a rib fence as a gripping formation in order to facilitate the location of the actuator to the operator when the operator is concentrating on changing the working attachment.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Campbell'068, Schumann'271, Wyzenbeek'940, Dalton'560, Lieb'850, Palmer'831, Kulischenko'474, and Ghode'139 are cited to show related inventions.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ML
August 5, 2003

A handwritten signature in black ink, appearing to read 'Rinaldi I. Rada', with a long horizontal line extending to the right.

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700